

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested.
Claims 1-22 are pending in this application. Claims 1-22 stand rejected.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 1-22 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. For the reasons set forth in detail below, this rejection, to the extent it is considered to apply to the amended claims, is respectfully traversed.

The Examiner rejects the claims based on the position that “error correcting function” cannot be a part of a “digital broadcasting receiver.” Accordingly, independent claims 1, 21 and 22 have been amended to clarify the claim language by reciting “a circuit having an error correcting function...”. Support for this change is provided, e.g., in paragraph [0017] of applicant’s specification, which discloses a demodulation circuit 8 receives the digital signal, performs demodulation processing (QPSK (Quadrature Phase Shift Keying) demodulation, etc.), error correction processing (FEC: Forward Error Correction) of an error occurring in a transmission path ... [emphasis added]. Further, Fig. 1 shows that demodulation circuit 8 is part of digital broadcasting receiver 30.

The Examiner also asserts that one element of the claims, the error correcting function, “lacks connection or cooperation” with other elements of the claims. However, the Examiner does not explain why such explicit details need be provided in the claims. The statute, 35 U.S.C. §112, second paragraph, only requires that the claim point out and claim the subject matter of the

invention. The claims meet this requirement by listing the elements of the digital broadcasting receiver, and, with the suggested amendments, the circuit having an error correcting function is one of the listed elements.

Therefore, it is respectfully submitted that unless the Examiner can explain why 35 U.S.C. §112, second paragraph, requires more detail regarding the connection or cooperation, the present claims meet the definiteness requirements of §112, second paragraph.

Accordingly, reconsideration and withdrawal of the §112, second paragraph, rejection are respectfully requested.

Request for Withdrawal of Finality of Office Action

It is respectfully submitted that the present Office Action should not have the status of Final. Although the claims were rejected as indefinite in the previous Office Action, the reasons provided for the rejection were not the same. Because the Examiner is applying new rationale that could have been used before (that is, the present rejection was not necessitated by the last amendment), it is respectfully submitted that the present Office Action is not properly made final. Accordingly, withdrawal of the “final” status of the present Office Action is respectfully requested.

Application No. 09/930,129
Art Unit: 2611

Amendment under 37 C.F.R. §1.116
Attorney Docket No.: 042204

CONCLUSION

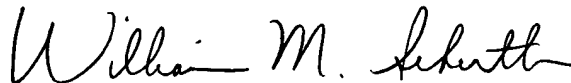
In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



William M. Schertler
Attorney for Applicants
Registration No. 35,348
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

WMS/dlt